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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,878	01/05/2007	Rongxun Wang	09548.1020USWO	6907

52835 7590 04/12/2011

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EXAMINER	
LAUX, JESSICA L	
ART UNIT	PAPER NUMBER
3635	
MAIL DATE	DELIVERY MODE
04/12/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/571,878	WANG, RONGXUN	
	Examiner	Art Unit	
	JESSICA LAUX	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 January 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *20 and 23-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *20,23-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to the amendment filed 1/25/2011. Accordingly the claims have been amended.

Response to Arguments

Applicant's arguments filed 1/25/2011 have been fully considered but they are not persuasive.

Applicant's arguments that Steinhage fails to teach a projection portion formed by a sloped upper slope portion to be engaged with a downward flared shaped recess of an upper analogous block and that a top surface is constituted by a top shoulder surface, sloped upper slope portion and mid ridge for supporting an upper analogous block is not persuasive. As noted in the rejection, Steinhage discloses a mid ridge generally at 107 where the mid ridge is formed in part by sloped upper slope portions 110,105,101 having a top shoulder surface 105 and upper slope at 110, on the left and 111,106,102 having top shoulder surface 106 and upper slop 111 on the right. The midridge 107 is a projection formed in part by the sloped upper slope portions and therefore does constitute a projection that supports an upper block as seen in the figures. The claims do not require that the sloped upper slope, top shoulder or mid ridge specifically engage (or contact) portions of the downward flared recess of an upper analogous block, but rather requires that the projection being engaged with a downward flared recess of an upper analogous block support the upper block. Clearly the mid ridge 107 and top surface portions 105,106, which form part of the projection as

noted above, engage with a downward flared recess of an upper analogous block and therefore anticipates the claim.

Applicant's arguments that elements 110,111 of Steinhage do not engage a downward flared recess of an upper analogous block are not persuasive as the claim does not require those parts to be in engagement. The claim requires a projection to be in engagement with the upper block, and as noted above the projection is constituted by mid ridge 107 and upper sloped portions 110,105,101 and 111,106,102 which clearly have parts forming the projection (namely 107,105,106) that are in engagement with the recess of the upper block.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 20, 23-27,30,33,38,40,41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinhage et al (2550945) in view of Bouchard et al (6108995).

Claim 20. Steinhage et al discloses a block for forming a wall, wherein a plurality of analogous blocks being overlapped staggeringly and continuously in the wall, comprising:

a block being a longitudinally profiled member, and including a top surface, a bottom surface and two end surfaces; the cross section of the block being substantially of a shape of downward-flared recess (as seen in for example figure 2);

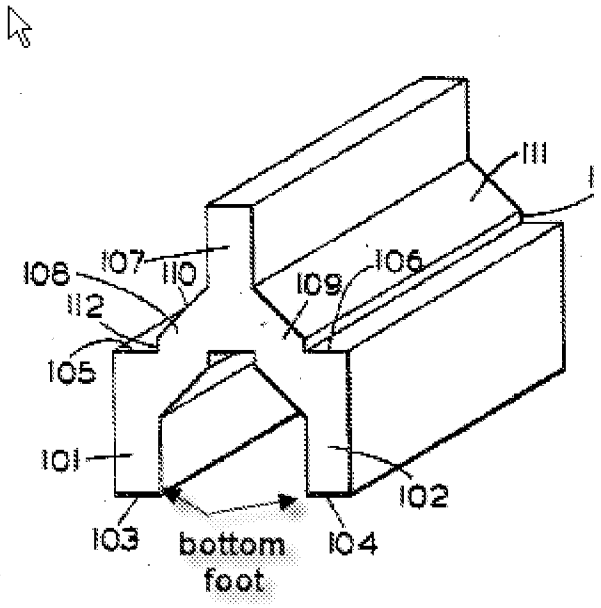
the top surface of said block having a mid ridge (107) higher than two sides of the surface so that a left supporting slope (generally 110, 105, 101) and a right supporting slope (generally 111, 106, 102) form the downward-flared recess;

said top surface and bottom surface being formed such that when the block being overlapped with an analogous block thereunder to form the wall, the top surface of the underlying block being engaged with the bottom surface of the upper block, the left and right supporting slopes being used as a blocking structure and interlocking the vertically adjacent blocks (as seen in figure 4);

wherein said left supporting slope and the right supporting slope each including a sloped upper slope portion (110, 111) and a lower shoulder (105,106), respectively, each shoulder having a top shoulder surface (generally at 105,106), a bottom shoulder surface (103,104), and a lateral side surface (the side extending therebetween),

the top shoulder surface, the upper slope portion and the mid ridge constituting said top surface, the bottom shoulder surface is horizontal (as seen in the figures), the bottom shoulder surface and a bottom foot (as noted in the annotated figure below) on one side are at the same plane,

when the block being engaged with an upper analogous block to form the wall, a projecting portion formed by the sloped upper slope portion being engaged with a downward-flared shaped recess of the upper analogous block, said top surface constituted by the top shoulder surface, the sloped upper lope portion and the mid ridge supporting the upper analogous block (as seen in figure 4).



Steinhage does not expressly disclose that the blocks are shaped and sized such that when three analogous blocks being overlapped vertically, the vertical distance between a top of a ridge of the bottommost block being higher than a bottom foot of the uppermost block.

Bouchard discloses a block for forming a wall having a mid ridge and left and right supporting sloping surfaces and further Bouchard discloses an embodiment where when three analogous blocks are vertically stacked the distance between a top ridge of the bottommost block is higher than the bottom foot of the uppermost block (as seen in figure 31).

Thus, it would have been obvious to a person of ordinary skill in the art to try the distance configuration in an attempt to provide an improved design of blocks, as a person with ordinary skill has good reason to pursue the known options within his or her technical grasp. In turn, because the block as claimed has the properties predicted by

the prior art, it would have been obvious to modify the block of Steinhage to have a mid-ridge of a bottommost block higher than the bottom foot of a third block vertically stacked to provide an improved design for resisting water penetration at the joints..

Claim 23. The block for forming a wall according to claim 20, wherein on either side of the block, bounded by the mid ridge, the bottom shoulder surface of the shoulder and the bottom foot of the block being on the same plane, the top surface and the bottom surface being parallel to each other, the two end surfaces being parallel to each other, the two lateral side surfaces being parallel to each other, the end surfaces and the lateral side surfaces being vertical to the horizontal plane (as seen in figure 2 of Steinhage).

Claim 24. The block for forming a wall according to claim 20, wherein the top of the mid ridge being sharp-angle shaped, platform shaped or arc-shaped (as seen in figure 4 of Steinhage, where it is platform shaped).

Claims 25, 26, 27. The block for forming a wall according to claim 20, wherein at least one of the left and right supporting slopes and the bottom surface being arranged in a stepped, roughened or corrugated manner (as seen in figure 2 of Steinhage).

Claim 38. The block for forming a wall according to claim 20, wherein the sloped upper slop portion (at least at 110,111) is at an obtuse angle with the lower shoulder (as seen in the figures), at least a portion of an upper surface (105,106) of the sloped upper slope portion being in contact with a lower surface of the downward flared shaped recess of the upper analogous block (as seen in the figures).

Claims 30,33. Steinhage et al discloses a block for forming a wall, wherein a plurality of analogous blocks being overlapped staggeringly and continuously in the wall, comprising:

a block being a longitudinally profiled member, and including a top surface, a bottom surface and two end surfaces; the cross section of the block being substantially of a shape of downward-flared recess (as seen in for example figure 2);

the top surface of said block having a mid ridge (107) higher than two sides of the surface so that a left supporting slope (generally 110, 105, 101) and a right supporting slope (generally 111, 106, 102) form the downward-flared recess;

said top surface and bottom surface being formed such that when the block being overlapped with an analogous block thereunder to form the wall, the top surface of the underlying block being engaged with the bottom surface of the upper block, the left and right supporting slopes being used as a blocking structure and interlocking the vertically adjacent blocks (as seen in figure 4);

wherein said left supporting slope and the right supporting slope each including a sloped upper slope portion (110, 111) and a lower shoulder (105,106), respectively, each shoulder having a top shoulder surface (generally at 105,106), a bottom shoulder surface (103,104), and a lateral side surface (the side extending therebetween),

the top shoulder surface, the upper slope portion and the mid ridge constituting said top surface, the bottom shoulder surface is horizontal (as seen in the figures), the bottom shoulder surface and a bottom foot (as noted in the annotated figure below) on

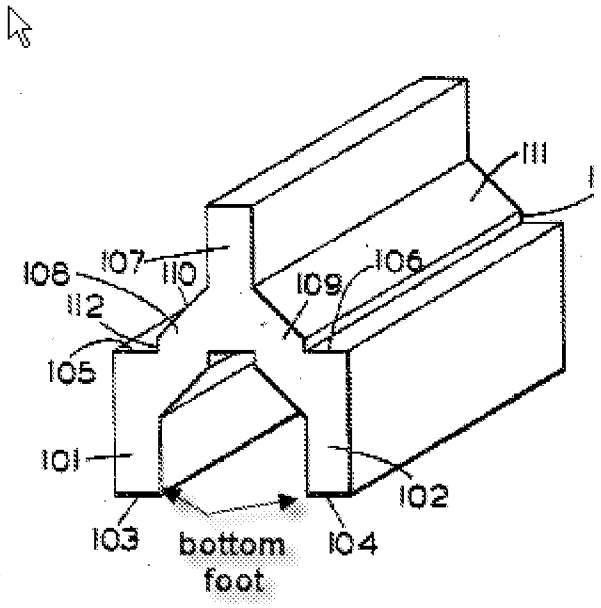
one side are at the same plane, when the block being engaged with an upper analogous block to form the wall,

a projecting portion formed by the sloped upper slope portion being engaged with a downward-flared shaped recess of the upper analogous block, said top surface, constituted by the top shoulder surface, the sloped upper slope portion and the mid ridge (where all of these elements of Steinhage as noted above, present a top face of the block) supporting the upper analogous block (as seen in figure 4);

said blocks being engaged with auxiliary blocks in the construction of the wall; and

masonry joints being formed between the adjacent blocks, horizontal masonry joints being formed by the engagement between the top surfaces and the bottom surfaces, vertical masonry joints being formed by the engagement between the end surfaces, the vertically adjacent vertical masonry joints being arranged staggeringly (as seen in the figures and noted in the disclosure).

Steinhage does not expressly disclose that the blocks being shaped and sized such that when three analogous blocks being overlapped vertically, a top of a ridge of the bottommost block being higher than a bottom foot of the uppermost block, and (as seen in the figures).



Bouchard discloses a block for forming a wall having a mid ridge and left and right supporting sloping surfaces and further Bouchard discloses an embodiment where when three analogous blocks are vertically stacked the distance between a top ridge of the bottommost block is higher than the bottom foot of the uppermost block (as seen in figure 31).

Thus, it would have been obvious to a person of ordinary skill in the art to try the distance configuration in an attempt to provide an improved design of blocks, as a person with ordinary skill has good reason to pursue the known options within his or her technical grasp. In turn, because the block as claimed has the properties predicted by the prior art, it would have been obvious to modify the block of Steinhage to have a mid-ridge of a bottommost block higher than the bottom foot of a third block vertically stacked to provide an improved design for resisting water penetration at the joints..

Claims 40, 41. The block for forming a wall according to claim 30, 33, wherein the sloped upper slop portion (at least at 110,111) is at an obtuse angle with the lower shoulder (as seen in the figures), at least a portion of an upper surface (105,106) of the sloped upper slope portion being in contact with a lower surface of the downward flared shaped recess of the upper analogous block (as seen in the figures).

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable Steinhage et al (2550945) in view of Bouchard et al (6108995) and further in view of Bilka (6606835).

Claim 28. Steinhage in view of Bouchard discloses the block for forming a wall according to claim 20 as above, but does not disclose a top surface having a radiation-proof plate thereon.

Bilka discloses a block for forming a wall with a peak and side slopes for stacking one atop the other and further discloses that the top surface has a radiation-proof plate (60) thereon, which extends out of at least one of the end surfaces, the radiation-proof plates of the adjacent blocks being connected in a manner of end to end, when the wall being formed by the blocks (as seen in figure 2).

or

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable Steinhage et al (2550945) in view of Bouchard et al (6108995) and further in view of Hancock (3355849).

Claim 28. Steinhage in view of Bouchard discloses the block for forming a wall according to claim 20 as above, but does not disclose that the top surface has a radiation-proof plate thereon.

Hancock discloses a block for forming a wall with a peak and side slopes for stacking on atop the other and further discloses that the top surface has a radiation-proof plate (21) thereon, which extends out of at least one of the end surfaces, the radiation-proof plates of the adjacent blocks being connected in a manner of end to end, when the wall being formed by the blocks (as seen in figure 4).

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable Steinhage et al (2550945) in view of Bouchard et al (6108995) or French Patent 2.221.036 as submitted by applicant.

Claim 29. Steinhage in view of Bouchard discloses the block for forming a wall according to claim 20 as above, but does not disclose that the bottom foot on one side of the block is higher than that on the other side.

Bouchard and the French reference both disclose blocks having a mid-ridge and sides slopes with shoulders for forming wall assemblies, and further disclose that the bottom foot on one side of the block is higher than that on the other side of the block.

At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the block of Steinhage to have one bottom foot lower than the other to accommodate various wall constructions and installations such as for a veneer wall.

Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinhage et al (2550945) in view of Bouchard et al (6108995) and further in view of Gravier et al. (5623797).

Claim 34. Steinhage discloses the wall according to claim 33 above, but does not expressly discloses a pillar being provided in the wall with at least one outward-extending piece being provide on the pillar.

Gravier discloses a wall made of blocks including a pillar (generally 74) and having an outward extending piece (the first block extending out from the pillar) provided on the pillar similar to the blocks, where one end surface of the outward-extending piece being engaged with the pillar; the other end surface of the outward-extending piece being engaged with the blocks, the top surface of the outward-extending piece being engaged with the bottom surface of the upper block, the bottom surface of the outward-extending piece being engaged with the top surface of the underlying block, a plurality of outward-extending pieces being arranged separately and orderly on the pillar, said outward-extending pieces being engaged with the staggeringly overlapped blocks adjacent to the pillar.

At the time the invention was made it would have been obvious to use the block of Steinhage in view of Bouchard to make a wall with a pillar as disclosed by Gravier to have a block and outward extending piece with a shape and design as disclosed by Steinhage to provide a wall with blocks having a solid connection. Further it is noted that one of ordinary skill in the art would have had the common sense and ability to pursue known options and substitute one block design for another to achieve a desired

and predictable result. Therefore the substitution of one known block design for another, or the use of a block to make a known wall system is not considered novel but rather obvious.

Claim 35. Wherein girders (20) are provided in the wall, a projecting piece (as noted in claim 34 above, where the projecting piece is the first block to engage the pillar) being provided on a top surface of one girder, a lower surface of the projecting piece being engaged with the top surface of the girder, the projecting piece extending to the pillar at a nodal point of two adjacent beam/pillar, and engaging with the pillar, the projecting piece being engaged with the downward-flared recess of the block (where a block would be placed above); a groove being provided on a bottom surface of another girder, the groove extending to the pillar at the nodal point of two adjacent beams, the groove being engaged with the top surface of the block, when the block engaging with the bottom surface of the girder (as seen in the figures).

Claims 31-32, 36-37are rejected under 35 U.S.C. 103(a) as being unpatentable Steinhage et al (2550945) in view of Bouchard et al (6108995) and further in view of Dwyer et al (1686270).

Claims 31,32,36,37. Steinhage in view of Bouchard discloses the block according to claims 30 and 33 as above, but does not expressly disclose the wall structure as claimed in claims 31-32,36-37.

Dwyer et al. discloses block assembly for forming a wall including an auxiliary block comprising three of said blocks, two of them longitudinally opposing to each other and joining, respectively, to the side of the other block; said auxiliary block being

provided at the intersection between the walls, being longitudinally engaged with the blocks, and being staggeringly overlapped (as seen in figures 1-2); or

the auxiliary block comprising two of said blocks, the longitudinal portion of one block joining to one side of the other block so that the auxiliary blocks being in a shape of L or T (as seen in figure 1); said auxiliary block being provided at the intersection between the walls, being longitudinally engaged with the blocks, and being staggeringly overlapped (as seen in figures 1-2);

the block wall having masonry joints being formed between the adjacent blocks, horizontal masonry joints being formed by the engagement between the top surfaces and the bottom surfaces, vertical masonry joints being formed by the engagement between the end surfaces, the vertically adjacent vertical masonry joints being arranged staggeringly (as seen in the figures);

wherein said block being in a shape of a elongated plate (as seen in the figures), a miter wall being formed by staggeringly overlapping the elongated blocks, a vertical masonry joint being formed by the connection of the end surfaces of two blocks, the vertically adjacent vertical masonry joints being disposed in a staggered manner, the end of the elongated block being supported on a supporting member (as seen in figures 1-2).

In view of the above references it would have been obvious to one of ordinary skill in art the time the invention was made to use the block of Steinhage in view of Bouchard to form a wall system as disclosed by Dwyer as using blocks to form walls is notoriously common and well known and it would be desirable to use an appropriate

and aesthetically pleasing design in creating a wall assembly. Further one of ordinary skill in the art has good reason and would have the common sense to pursue known block designs when building a wall assembly such as that disclosed by Dwyer and since the block of Dwyer and Steinhage in view of Bouchard are similar in that they both have a mid-ridge and slopes with shoulders one of ordinary skill in the art would have reasonable expected the block of Steinhage in view of Bouchard to be suitable for forming the wall assembly of Dwyer as noted above and according to claims 31-32,36-37.

Claims 20,38,39, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dwyer (1686270) in view of Steinhage (2550945) and further in view of Bouchard (6108995).

Claim 20. Dwyer discloses a block for forming a wall, wherein a plurality of analogous blocks being overlapped staggeringly and continuously in the wall, comprising:

a block being a longitudinally profiled member, and including a top surface, a bottom surface and two end surfaces; the cross section of the block being substantially of a shape of downward-flared recess (as seen in the figures, particularly figure 3);

the top surface of said block having a mid ridge higher than two sides of the surface so that a left supporting slope and a right supporting slope being formed, forming the downward- flared shaped recess;

said top surface and bottom surface being formed such that: when the block being overlapped with an analogous block thereunder to form the wall, the top surface

of the underlying block being engaged with the bottom surface of the upper block, the left and right supporting slopes being used as a blocking structure and interlocking the vertically adjacent blocks;

wherein said left supporting slope and the right supporting slope each including a sloped upper slope portion and a lower shoulder, each shoulder having a top shoulder surface, a bottom shoulder surface, and a lateral side surface, the top shoulder surface, the sloped upper slope portion and the mid ridge constituting said top surface, when the block being engaged with an upper analogous block to form the wall, a projecting portion formed by the sloped upper slope portion being engaged with a downward-flared shaped recess of the upper analogous block, said top surface, constituted by the top shoulder surface, the sloped upper slope portion and the mid ridge supporting the upper analogous block.

Dwyer does not disclose that the bottom shoulder surface is horizontal the bottom shoulder surface and a bottom foot on one side are at the same plane.

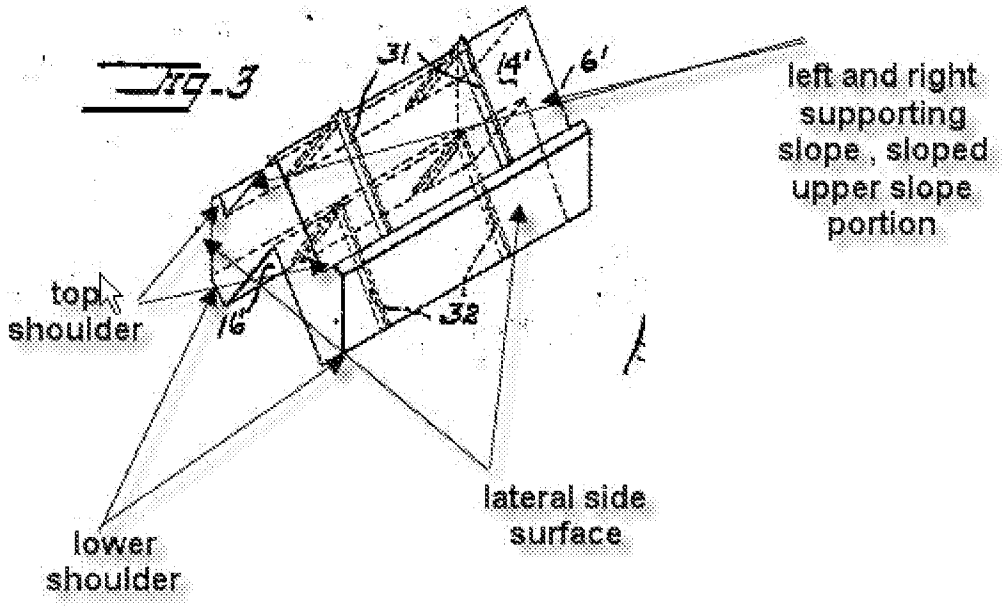
Steinhage discloses a block having a mid ridge, lateral sides and an sloped portion with an upper and lower shoulder surface where the shoulder surface is horizontal and on the same plane as a bottom foot (as noted above).

At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the block of Dwyer to make the lower shoulder horizontal and on the same plane as a bottom foot to provide a more stable bottom surface of block.

Dwyer does not disclose that the blocks are shaped and sized such that: when three analogous blocks being overlapped vertically, a top of a ridge of the bottommost block being higher than a bottom foot of the uppermost block.

Bouchard discloses a block for forming a wall having a mid ridge and left and right supporting sloping surfaces and further Bouchard discloses an embodiment where when three analogous blocks are vertically stacked the distance between a top ridge of the bottommost block is higher than the bottom foot of the uppermost block (as seen in figure 31).

Thus, it would have been obvious to a person of ordinary skill in the art to try the distance configuration in an attempt to provide an improved design of blocks, as a person with ordinary skill has good reason to pursue the known options within his or her technical grasp. In turn, because the block as claimed has the properties predicted by the prior art, it would have been obvious to modify the block of Dwyer to have a mid-ridge of a bottommost block higher than the bottom foot of a third block vertically stacked to provide an improved design for resisting water penetration at the joints.



Claims 38-39. The block for forming a wall according to claim 20, wherein the sloped upper slope portion is at an obtuse angle with the lower shoulder (as modified by Steinhage), the entire upper surface, including at least a portion, of the sloped upper slope portion is in contact with a lower surface of the downward flared recess of the upper block (as seen in the figures of Dwyer).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA LAUX whose telephone number is (571)272-8228. The examiner can normally be reached on Monday thru Thursday, 9:00am to 5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eileen Lillis/
Supervisory Patent Examiner,
Art Unit 3635

/J. L./
Examiner, Art Unit 3635